

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CAROLYN-JEAN BURNETT,

Plaintiff,

Case No. 1:24-cv-57

v.

Hon. Hala Y. Jarbou

STATE OF MICHIGAN, et al.,

Defendants.

ORDER

Carolyn-Jean Burnett brings this pro se action against multiple Defendants. Several Defendants move under Federal Rule of Civil Procedure 12(b)(1) to dismiss for lack of subject matter jurisdiction (ECF Nos. 12, 14). Defendants also move under Federal Rule of Civil Procedure 12(b)(6) to dismiss for failure to state a claim (ECF Nos. 12, 14, 20, 23). On June 18, 2024, Magistrate Judge Ray Kent issued a Report and Recommendation (“R&R”) recommending dismissal on subject matter jurisdiction grounds (ECF No. 28). Specifically, he characterized the action as frivolous “based upon the meritless rhetoric espoused by sovereign citizens[,]” recommended granting Defendant State of Michigan’s motion to dismiss on subject matter jurisdiction grounds, recommended sua sponte dismissing the remaining Defendants on the same grounds, and recommended terminating the case. (R&R 12 (citing *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999) (explaining that a court should dismiss an action for lack of subject matter jurisdiction when allegations are totally implausible, devoid of merit, “or no longer open to discussion.”)). The R&R further recommended denying without prejudice Defendants’ motions to dismiss for failure to state a claim.

The R&R was duly served on the parties. No objections have been filed, and the deadline for doing so has expired. On review, the Court concludes that the R&R correctly analyzes the issues and makes a sound recommendation.

Accordingly,

IT IS ORDERED that the R&R (ECF No. 28) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant State of Michigan's Motion to Dismiss (ECF No. 12) is **GRANTED IN PART** and **DENIED IN PART**. It is **GRANTED** insofar as it requests dismissal under Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction. It is **DENIED** insofar as it requests dismissal under federal Rule of Civil Procedure 12(b)(6) for failure to state a claim.

IT IS FURTHER ORDERED that Defendants Kent County, State of Michigan, and Kent County Sheriff's Motion to Dismiss (ECF No. 14) is **GRANTED IN PART** and **DENIED IN PART**. It is **GRANTED** insofar as it requests dismissal under Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction. It is **DENIED** insofar as it requests dismissal under federal Rule of Civil Procedure 12(b)(6) for failure to state a claim.

IT IS FURTHER ORDERED that remaining Defendants 61st District Court, Sarah Breen, City of Grand Rapids, Grand Rapids Police Department, and Gregory Bauer are dismissed for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1).

IT IS FURTHER ORDERED that Defendants 61st District Court and Sarah Breen's Motion to Dismiss Pursuant to Fed. R. Civ.P.12(b)(6) (ECF No. 20) is **DENIED**.

IT IS FURTHER ORDERED that Defendants City of Grand Rapids, Grand Rapids Police Department, and Sgt. Gregory Bauer's Motion to Dismiss Pursuant to Fed. R. Civ.P.12(b)(6) (ECF No. 23) is **DENIED**.

IT IS FURTHER ORDERED that the case is **DISMISSED**.

A judgment will issue in accordance with this order.

Dated: July 8, 2024

/s/ Hala Y. Jarbou

HALA Y. JARBOU

CHIEF UNITED STATES DISTRICT JUDGE